

FILED

United States District Court

SEP 18 2007

MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

v.

ROY BEEMAN
a/k/a "Bull" and,
FREDRICK ANTHONY SMITH

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
CRIMINAL COMPLAINT

CASE NUMBER: 2:07mj83-CSC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 8, 2007, in Pike county and elsewhere within the Middle District of Alabama defendants ,
did knowingly and intentionally possess with intent to distribute cocaine hydrochloride and 5 grams or more of cocaine base, commonly known as "crack"; possession of a firearm during and in relation to a drug trafficking crime; felon in possession of a firearm; and aiding and abetting
all in violation of Titles 21 & 18 United States Code, Section(s) 841(a)(1) and 924(c), 922(g)(1) and 2. I further state that I am a(n) ATF Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

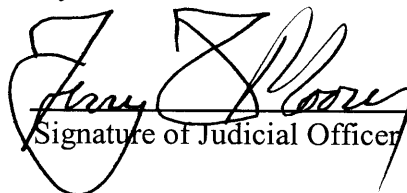


Signature of Complainant

Sworn to before me and subscribed in my presence,

SEPTEMBER 18, 2007 at Montgomery, Alabama
Date City and State

Terry F. Moorer, U. S. Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

Affidavit

I, Special Agent Jennifer A. Rudden, affiant, hereby depose and state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Justice Department, and have been so employed since June 18, 2001. I have completed Criminal Investigator School at the Federal Law Enforcement Training Center and New Professional Training Program at the ATF National Academy. I am currently assigned to the Montgomery Field Office in Montgomery, Alabama. As a result of my training and on-the-job experience as an ATF Special Agent, I have become thoroughly knowledgeable in the violations of the Federal firearm, arson and explosive laws to include various criminal statutes enacted in the Gun Control Act of 1968 and those set forth in the National Firearms Act.
2. On June 14, 2007, Troy Police Department contacted Alcohol, Tobacco, Firearms & Explosives (ATF) Special Agent Jennifer Rudden regarding the arrest of Fredrick Anthony SMITH (w/m, d.o.b 02/28/1983) and Roy BEEMAN (b/m, d.o.b 08/24/1972) for possession of narcotics and firearms. SA Rudden was familiar with Roy BEEMAN from a previous investigation.
3. On June 8, 2007, Troy Police Department conducted a traffic stop on a vehicle bearing an expired Georgia tag registered to Jeremy Jones. As the vehicle came to a stop, the passenger side door opened and a black male jumped out of the car and fled on foot. Officer Raiti of the Troy Police Department pursued the subject on foot. Officer Marc Ross of the Troy Police Department stayed with the vehicle. Officer Ross and Sergeant Wright detained Fredrick Anthony SMITH, the driver of the vehicle.
4. While investigating Fredrick SMITH, Officer Ross saw a pill bottle in plain view on the passenger side floorboard of the vehicle. The passenger side area was where the fleeing individual had been sitting. Officer Ross secured the bottle and discovered a small clear plastic bag with a white powder substance inside. The substance field tested positive for cocaine. Fredrick Anthony SMITH was then Mirandized and arrested. SMITH identified the black male that fled from the vehicle as "Bull". SMITH also denied knowledge of any items located in the vehicle; but, he advised that "Bull" had put some type of firearm in the trunk.
5. On this same date, Officer Raiti caught the subject that had fled from the vehicle. The subject was identified as Roy BEEMAN, aka "Bull." The subject was returned to the scene of the vehicle stop. After Miranda warnings and arrest, BEEMAN denied any knowledge of the evidence seized from the passenger side floorboard of the car. Upon search of BEEMAN's person incident to arrest, law enforcement recovered a Crown Royal bag in BEEMAN's front pocket. The bag contained \$1485.00 in US currency.
6. Upon a search of the vehicle incident to arrest of both the driver and passenger, law enforcement recovered other contraband. Specifically, law enforcement recovered one

(1) loaded, Ruger, P89, 9mm caliber handgun, serial no. 304-95380 from under the passenger's seat where Roy BEEMAN was sitting. In addition, another Crown Royal bag was found on the floorboard behind the driver's seat. That bag contained the following items:

- a. Sixteen (16) empty plastic sandwich bags,
- b. Three (3) clear plastic bags of a white compressed substance,
- c. One (1) clear plastic bag of a white powder substance,
- d. Five (5) small clear plastic bags with a green leafy plant-like material that field tested positive for marijuana,
- e. Four (4) digital scales, two (2) containing a white powder residue.

7. A search of the vehicle's trunk yielded two (2) more firearms:

- a. One (1) Maverick Arms, Model 88, 12 gauge shotgun, serial no. MV29353L.
- b. One (1) Winchester, Model 190, .22 caliber handgun serial no. B1893260.

8. Alabama Department of Forensic Science analyzed the narcotics recovered from the vehicle and determined the substances to be a total of 22.56 grams of cocaine (base) and 14.94 grams of cocaine hydrochloride.

9. On this same date, the vehicle was towed to Pee Wee's Wrecker Service, Troy, Alabama. The owner, Jeremy Jones, was notified of its recovery.

10. On this same date, Jeremy Jones retrieved the vehicle from Pee Wee's Wrecker Service. On June 12, 2007, Jeremy Jones went to the local Nissan dealership. While at the dealership, Jeremy Jones discovered two (2) additional firearms in a black trash bag under some golf clubs in the trunk of his vehicle. Jones contacted the Troy Police Department and turned the firearms over to law enforcement. Jeremy Jones stated that the firearms did not belong to him and that he had never seen them before.

11. The following firearms recovered by Jeremy Jones:


- a. One (1) HiPoint, Model JCP40, .40 caliber handgun, serial no. X718219.
- b. One (1) HiPoint, Model CF380, .380 caliber handgun, serial no. P842713.

12. A query of NCIC revealed that the HiPoint, .380 caliber handgun, serial no. P842713 was reported stolen on 03/01/2007 to the Troy Police Department.

13. On June 18, 2007, and June 20, 2007, Troy Police Department Sgt. Detective Calista Everage interviewed Fredrick Anthony SMITH. SMITH stated that on the night of the traffic stop, BEEMAN had called him to come over to his house. SMITH advised that when he arrived, BEEMAN put a black garbage bag in the trunk of the car and then got in the passenger side of the vehicle with a Crown Royal bag and a handgun. SMITH stated

that at first he didn't see what was in the Crown Royal bag. However, SMITH admitted that he later observed crack cocaine and cocaine powder inside the Crown Royal bag.

14. Anthony SMITH admitted that he has known BEEMAN for approximately three (3) or four (4) years. SMITH admitted that he has a "drug relationship" with BEEMAN. SMITH admitted that BEEMAN sold both marijuana and crack cocaine and that he (SMITH) got his marijuana from BEEMAN. SMITH further admitted that BEEMAN had asked him to help sell crack cocaine to "frat boys" and those in college. SMITH admitted to helping BEEMAN a couple of times.
15. Anthony SMITH admitted that during the traffic stop, BEEMAN told him to take the charge for the guns because he (BEEMAN) was an "ex-con" and he would get in a lot of trouble for them.
16. Roy BEEMAN has been convicted of the following felonies:
 - a. Montgomery County, Receiving Stolen Property 1st, Case No. 94 001411, dated 10/31/1994.
 - b. Montgomery County, Possession of a Controlled Substance, Case No. 92 001322, dated 09/18/1992.
 - c. Montgomery County, Possession of Marijuana 1st, Case No. 92 001323, dated 09/18/1992.
17. Based on the foregoing facts, your Affiant believes there is probable cause to believe that Anthony SMITH and Roy BEEMAN have committed violations of the federal criminal law. Specifically, I believe there is probable cause to support violations of Title 21, United States Code, Section 841(a)(1), possession with intent to distribute controlled substances; Title 18, United States Code, Section 924(c), possession of firearms during and in relation to, and in furtherance of, a drug trafficking crime, Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm, and Title 18, United States Code, Section 2, aiding and abetting. These violations occurred within Pike County, Middle District of Alabama.


Jennifer A. Rudden
Special Agent, ATF

Sworn to before me and subscribed in my presence this 18th day of September, and I find probable cause exists.


United States Magistrate Judge